

Message Text

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ACTION L-02

INFO OCT-01 EUR-12 IO-10 ISO-00 SAM-01 CU-02 ERDA-05

CIAE-00 PM-03 INR-07 ACDA-05 NSAE-00 PA-01 PRS-01

SP-02 USIA-06 TRSE-00 SAJ-01 SS-15 NSC-05 BIB-01

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FM USMISSION GENEVA

TO SECSTATE WASHDC 2746

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 3342

E.O. 11652: GDS

TAGS: CSCE, PFOR, XG

SUBJECT: CSCE: DECLARATION OF PRINCIPLES--STATUS REPORT ON
DRAFTING OF TRANSITIONAL SENTENCE AND FINAL CLAUSES

REF: (A) GENEVA 3332; (B) STATE 99963; (C) GENEVA 2957

1. SUMMARY: THIS TELEGRAM REPORTS IN DETAIL STATUS OF
DRAFTING ON TRANSITIONAL SENTENCE BETWEEN PREAMBLE OF
PRINCIPLES DECLARATION AND PRINCIPLES THEMSELVES AND ON
FINAL CLAUSES. REF A REPORTS SOVIET ACCEPTANCE OF AND
EMERGING CONSENSUS ON KEY FRENCH COMPROMISE TEXT FOR
STATEMENT IN FINAL CLAUSES OF EQUAL VALUE AND INTERPRE-
TATION OF PRINCIPLES (EIP). END SUMMARY.

2. SUBCOMMITTEE WROTE INTO ITS NOTEBOOKS APRIL 30 FOLLOWING
CHAIRMAN'S TEXT OF TRANSITIONAL SENTENCE (DOUBLE PAREN-
THESIS REPRESENT BRACKETS). BEGIN TEXT. SOLEMNLY DECLARE/
DECLARE THEIR DETERMINATION TO RESPECT AND PUT INTO
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PRACTICE, EACH OF THEM IN ITS RELATIONS WITH ALL OTHER

((PARTICIPATING)) STATES, IRRESPECTIVE OF THEIR POLITICAL, ECONOMIC OR SOCIAL SYSTEMS AS WELL AS OF THEIR SIZE, GEOGRAPHICAL LOCATION OR LEVEL OF ECONOMIC DEVELOPMENT, THE FOLLOWING PRINCIPLES. . .END TEXT. GENTLEMEN'S AGREEMENT PROVIDED THAT SUBCOMMITTEE WOULD ATTEMPT TO COMPLETE SENTENCE AFTER EIP PROBLEM RESOLVED AND AFTER GAINING IDEA WHETHER CERTAIN OTHER CONCEPTS MIGHT MORE APPROPRIATELY BE REFLECTED IN TRANSITIONAL SENTENCE OR IN SOME PART OF PREAMBLE OR FINAL CLAUSES. AFTER INDICATING ACCEPTANCE OF FRENCH EIP TEXT MAY 7, SOVIETS SAID THAT THEY NOW WISHED TO COMPLETE TRANSITIONAL SENTENCE BY INSERTING "OF PRIMARY SIGNIFICANCE." LEST IDEA SPREAD TOO QUICKLY THAT ALL REMAINING QUESTIONS IN TRANSITIONAL SENTENCE WERE NOW TO BE RESOLVED SOLELY IN ACCORDANCE WITH SOVIET WISHES, USDEL REMINDED SUBCOMMITTEE THAT IT HAD SEVERAL TIMES NOTED THAT, WHILE WE NOT OPPOSED IN PRINCIPLE TO USING "PRIMARY SIGNIFICANCE" IN THIS SENTENCE, WE BELIEVED PHRASE SHOULD ALSO REFLECT CONCEPT OF "GUIDING RELATIONS" TO WHICH IT IS LINKED IN BLUE BOOK.

3. NATO CAUCUS MAY 7 INDICATED THAT ALLIES ARE SOMEWHAT TEPID ABOUT REPEATING BLUE BOOK LANGUAGE EXACTLY AT END OF TRANSITIONAL SENTENCE. THEY ACCEPT THAT "GUIDING" IS USEFUL FOR EFFORT TO SHOW THAT PRINCIPLES DECLARATION IS NOT LEGALLY BINDING BUT ARE CONCERNED AT DOUBLE-EDGED SWORD POSSIBILITY THAT, IN TRANSITIONAL SENTENCE CONTEXT, IT MAY SUGGEST THAT THIS DECLARATION, AS OPPOSED TO PRODUCT OF BASKETS II AND III, IS OF PRIMARY SIGNIFICANCE FOR RELATIONS BETWEEN PARTICIPATING STATES. WE HAVE SUGGESTED THAT PROBLEM MIGHT BE EASED IF FINAL CLAUSE COULD BE DRAFTED ALONG LINES OF ". . .THE FOLLOWING PRINCIPLES GUIDING THEIR MUTUAL RELATIONS OF PRIMARY SIGNIFICANCE", BUT IT IS ACCEPTED THAT IT WILL BE DIFFICULT TO CHANGE STRUCTURE OF BLUE BOOK LANGUAGE. NUMBER OF ALLIES HAVE, THEREFORE, INDICATED DESCENDING ORDER OF PREFERENCE: (A) TO END TRANSITIONAL SENTENCE AT "FOLLOWING PRINCIPLES" AND THUS DO WITHOUT ANY QUALIFIER, BUT THEY RECOGNIZE THAT THIS IS ALMOST CERTAINLY UNTAINABLE IN VIEW OF SOVIET DESIRE TO RE-

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PEAT "OF PRIMARY SIGNIFICANCE" WHICH APPEARS TO BE UNSPOKEN COROLLARY TO THEIR ACCEPTANCE OF EIP TEXT IN FINAL CLAUSES; (B) TO INSERT "ALL" BEFORE "OF PRIMARY SIGNIFICANCE" IN ORDER TO MAKE CLEAR THAT PHRASE MEANS NOTHING MORE THAN IT DOES IN EIP; (C) TO ACCEPT UNQUALIFIED "OF PRIMARY SIGNIFICANCE" BUT PICK UP SOME OTHER SOVIET CONCESSION, FOR EXAMPLE ELIMINATION OF "SOLEMNLY" AT BEGINNING OF TRANSITIONAL SENTENCE. ALLIES

POINT OUT THAT CONCEPT "GUIDING THEIR RELATIONS" WILL NOW ALMOST CERTAINLY APPEAR NOT ONLY IN TITLE AT BEGINNING OF DECLARATION BUT ALSO AT SEVERAL OTHER POINTS IN FINAL CLAUSES AND PERHAPS PREAMBLE WHERE SENTENCES WILL REPEAT TITLE OF DECLARATION, AND THAT TRANSITIONAL PARAGRAPH OTHERWISE AVOIDS LANGUAGE OF LEGAL COMMITMENT. ALLIES TEND, THEREFORE, TO CONSIDER THAT KEEPING "GUIDING THEIR RELATIONS" BALL IN AIR FOR TIME BEING HAS PRIMARILY TACTICAL VALUE FOR TRANSITIONAL SENTENCE. IN LINE WITH DEPARTMENT'S INSTRUCTIONS (REF B), WE WILL MAINTAIN FLEXIBILITY ON THIS POINT.

4. BRACKETS INSERTED AROUND "PARTICIPATING" AT YUGOSLAV INSISTENCE MIGHT EVENTUALLY FALL IN VIEW OF SENTENCE DESTINED FOR FINAL CLAUSES ON CONDUCT OF RELATIONS WITH OTHER STATES IN SPIRIT OF PRINCIPLES WHICH SUBCOMMITTEE HAS NOW PLACED IN NOTEBOOKS (PARA 5 BELOW). TOW OTHER OUTSTANDING ISSUES IN TRANSITIONAL SENTENCE WHICH UNDER TERMS OF GENTLEMEN'S AGREEMENT MUST STILL BE DEALT WITH ARE NATURE OF REFERENCE TO UN AND QUALIFICATION OF "PUT INTO PRACTICE" BY "EQUALLY AND UNRESERVEDLY." WE HAVE NOTED, IN ORDER TO MAINTAIN TACTICAL ADVANTAGE RELEVANT TO SECURING ROMANIAN ACCEPTANCE OF Q.R.R. TEXT, THAT RESOLUTION OF UN QUESTION MUST TAKE INTO ACCOUNT DIFFERENT VIEWS EXPRESSED ON DESIRABILITY OF REFERENCE TO UN CHARTER. PRESENT SENTIMENT APPEARS TO BE TO TREAT UN QUESTION ELSEWHERE IN PREAMBLE OR FINAL CLAUSES RATHER THAN IN TRANSITIONAL SENTENCE. SINCE "EQUALLY AND UNRESERVEDLY" NOW APPEARS CERTAIN TO BE PART OF EIP TEXT, YUGOSLAVS MAY AGREE NOT TO BURDEN TRANSITIONAL SENTENCE FURTHER

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CIAE-00 PM-03 INR-07 ACDA-05 NSAE-00 PA-01 PRS-01

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C O N F I D E N T I A L SECTION 2 OF 2 GENEVA 3342

5. ON UNDERSTANDING THAT ORDERING OF PARAGRAPHS, EXACT WORDING AND PROVISIONAL REGISTRATION WOULD BE DEPENDENT UPON FURTHER WORK ON EIP, TRANSITIONAL SENTENCE AND OTHER ELEMENTS OF FINAL CLAUSES AND PREAMBLE, SUBCOMMITTEE HAS ALSO WRITTEN INTO ITS NOTEBOOKS IN PAST FEW DAYS FOLLOWING ADDITIONAL SENTENCE WITH VIEW TO ULTIMATE PLACEMENT IN PREAMBLE OR FINAL CLAUSES:

A. BEGIN TEXT: THE PARTICIPATING STATES EXPRESS THEIR DETERMINATION TO RESPECT AND APPLY THESE PRINCIPLES, AS SET FORTH IN THE PRESENT (TITLE OF DOCUMENT), IN ALL ASPECTS TO THEIR MUTUAL RELATIONS AND CO-OPERATION IN ORDER TO ENSURE TO ALL PARTICIPATING STATES THE BENEFITS RESULTING FROM THE RESPECT AND APPLICATION OF THESE PRINCIPLES BY ALL. END TEXT. COMMENT: SENTENCE ROUGHLY ALONG THESE LINES WAS INCLUDED AS FINAL ELEMENT OF FIRST SECTION OF SOVIET 1973 DRAFT OF PRINCIPLES DECLARATION. TEXT WRITTEN INTO SUBCOMMITTEE NOTEBOOKS REFLECTS MORE PRECISELY, HOWEVER, SECOND SENTENCE OF CONFIDENTIAL

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PARA 18 OF BLUE BOOK. SWITZERLAND EXPRESSED RESERVATION PLEADING FURTHER CONSIDERATION OF INSERTING "THEIR" BEFORE "ASPECTS", AND GREECE HAS RAISED MINOR EDITORIAL CONSIDERATIONS. USDEL INITIALLY EXPRESSED DOUBT ON APPROPRIATENESS OF "AS" BEFORE "SET FORTH", ON WHICH SWISS INSISTED, LEST IMPRESSION BE CREATED THAT PARTICIPATING STATES CONSIDERED THAT PRINCIPLES SET FORTH IN THIS DECLARATION DIFFERED SUBSTANTIVELY FROM THOSE BY SAME NAME SET FORTH ELSEWHERE, FOR EXAMPLE, IN FRIENDLY RELATIONS DECLARATION. UK POINTED OUT THAT "AS" HAS ADDITIONAL CONNOTATION OF CALLING ATTENTION TO RELEVANT FINAL CLAUSES, PARTICULARLY EIP, AND QE INDICATED WE COULD CONCUR IN THIS VIEW. UK INTERVENTION STRUCK SENSITIVE NERVE WITH SOVIETS WHO SAID THEY ALSO WISHED TO STUDY IMPLICATIONS FURTHER. WE BELIEVE OUR BASIC INTERESTS ARE NOT SERIOUSLY ENGAGED ON THIS POINT, AND ARE PREPARED TO SUPPORT EMERGING CONSENSUS. END COMMENT.

B. BEGIN TEXT: THE PARTICIPATING STATES DECLARE THEIR DETERMINATION/INTENTION TO CONDUCT THEIR RELATIONS WITH OTHER STATES IN THE SPIRIT OF THE PRINCIPLES CONTAINED IN THIS (TITLE OF DOCUMENT). END TEXT. COMMENT: GENESIS OF THIS TEXT WAS SECOND HALF OF PARA 14 OF FRENCH 1973 DRAFT OF PRINCIPLES DECLARATION. ORIGINAL TEXT INCLUDED SPECIFIC REFERENCE TO "NON-EUROPEAN MEDITERRANEAN STATES" WHICH WAS DELETED SINCE THERE IS NOW MORE DETAILED SEPARATE MEDITERRANEAN DECLARATION. OPTION OF "DETERMINATION"INTENTION" HAS BEEN MAINTAINED SINCE LATTER, ARGUABLY WEAKER NOUN IS USED IN MEDITERRANEAN DECLARATION AND THERE IS SOME FEELING IT WOULD BE INAPPROPRIATE TO SUGGEST THAT PARTICIPATING STATES WERE DIFFERENTIATING VALUE OF PRINCIPLES VIS A VIS MEDITERRANEAN ON ONE HAND AND REST OF WORLD ON OTHER. AS NOTED ABOVE, THIS SENTENCE MAY EVENTUALLY EASE PROBLEM CREATED BY YUGOSLAV RELUCTANCE TO LIMIT OTHER STATEMENTS ON APPLICABILITY OF PRINCIPLES TO "PARTICIPATING STATES." END COMMENT.

C. BEGIN TEXT: THE PARTICIPATING STATES EXPRESS THE CONVICTION THAT RESPECT FOR THE PRINCIPLES WILL ENCOURAGE THE DEVELOPMENT OF NORMAL AND FRIENDLY RELATIONS AND CONFIDENTIAL

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THE PROGRESS OF COOPERATION AMONG THEM IN ALL SPHERES. THEY ALSO EXPRESS THE CONVICTION THAT RESPECT FOR THESE PRINCIPLES WILL ENCOURAGE THE DEVELOPMENT OF POLITICAL CONTACTS AMONG THEM WHICH IN TURN WOULD CONTRIBUTE TO BETTER MUTUAL UNDERSTANDING OF THEIR POSITIONS AND VIEWS, AND TEXT. COMMENT: THESE TWO SENTENCES, WHICH ARE NOW EXPECTED TO FIND THEIR PLACE IN FINAL CLAUSES, WERE PROVISIONALLY REGISTERED BY SPECIAL WORKING BODY ON IMPLEMENTATION IN APRIL 1974. DECISION TO BRING THEM INTO PRINCIPLES SUBCOMMITTEE WAS MADE AFTER LENGTHY INFORMAL PROCEDURAL DISCUSSION OCCASIONED PRIMARILY BY ROMANIAN CONCERN THAT TRANSFER OF TEXTS FROM ONE COMMITTEE TO ANOTHER COULD ESTABLISH PRECEDENT DAMAGING TO THEIR EXPECTATION OF MAINTAINING INTEGRITY OF ROMANIAN NON-USE OF FORCE PROPOSAL ON WHICH SPECIAL WORKING BODY HAS BEEN ACTING. THESE TWO SENTENCES REFLECT GENERALLY FIRST SENTENCE OF PARA 21 (B) OF BLUE BOOK. END COMMENT.

6. WITH EIP WELL ON WAY TO RESOLUTION, IT WOULD APPEAR THAT SUBCOMMITTEE HAS OPPORTUNITY TO MAKE RELATIVELY RAPID PROGRESS ON TASKS IMMEDIATELY BEFORE IT. REMAINING PROBLEMS IN TRANSITIONAL SENTENCE WILL PROBABLY REQUIRE SEVERAL DAYS OF BARGAINING BUT VARIOUS LIKELY OUTCOMES APPEAR TO BE WITHIN ACCEPTABLE PARAMETERS.

MAKOR REMAINING AREA IN FRENCH DRAFT FINAL CLAUSES
NOT YET DEALT WITH IS RELATION OF PRINCIPLES TO PEACE
AND SECURITY IN EUROPE AND IN REST OF WORLD BUT THERE
APPEARS TO BE PREFERENCE TO CONSIDER THIS CONCEPT IN
PREAMBLE. FRENCH DRAFT ALSO INCLUDES PARAGRAPH RE-
QUESTING FINLAND TO COMMUNICATE PRINCIPLES DECLARATION
TO UN, IDEA OF WHICH PRESUMABLY WILL BE SUPERSEDED BY
DUTCH DRAFT OF FINAL DOCUMENT TEXT SUBMITTED TO COORDI-
NATING COMMITTEE MAY 7 (GENEVA 3272). WHILE, AS
NOTED, MUCH OF WORK ON TRANSITIONAL SENTENCE, FINAL
CLAUSES AND PREAMBLE WILL CONTINUE TO BE HELD BACK FROM
EVEN PROVISIONAL REGISTRATION UNTIL DELS CAN VIEW
INDIVIDUAL BITS AND PIECES AS COHERENT WHOLE, IT IS
LIKELY THAT THIS WEEK'S PROGRESS WILL FOCUS INCREASED
ATTENTION ON Q.R.R. AS NEXT WATERSHED ISSUE SOLUTION OF
WHICH WOULD HAVE MAJOR INFLUENCE ON TIME TABLE OF
SUBCOMMITTEE'S REMAINING WORK. ABRAMS
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Message Attributes

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